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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,721	10/20/2000	Peter E. Sanford	0030-0198P	5614

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EXAMINER

GOODMAN, CHARLES

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/692,721

Applicant(s)

SANDFORD, PETER E.

Examiner

Charles Goodman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) 6-13, 19-23, 27-31 and 35-67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 14-18, 24-26 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendment filed on February 11, 2002 has been entered.

Election/Restrictions

2. Applicant's election with traverse of Group I, Species VIII, claims 1-18, 24-26, 32-34, and 67, in Paper No. 9 is acknowledged. The traversal is on the ground(s) that the different embodiments are not different but relating to specific components of the invention. This is not found persuasive because contrary to Applicant's assertions, all the different embodiments as identified in the restriction requirement include details that are not shown in the other embodiments, and the search for one does not require a search in the other.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 19-25, 27-31, and 35-66 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Group and Species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 9. Claims 6-13 and 67 are also withdrawn from further consideration since the elected invention does not include these features or they include features directed to nonelected Group and Species. Thus, claims 1-5, 14-18, 24-26, 32-34, and 67 remain for consideration on the merits.

Priority

4. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) in p. 1, ll. 11-12 based upon an application filed in Canada on January 19, 1999. A

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claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

Specification

5. The disclosure is objected to because of the following informalities:
 - i. P. 28, l. 16, the phrase “projecting ends 116” is not clearly understood when the same reference numeral was previously used to designate a rear edge (p. 27, l. 30). Which is which?
 - ii. P. 29, l. 9, the phrase “grid orientation cylinders 900” is not clearly understood when the same reference numeral was previously used to designate a center line clamp (p. 28, l. 8). Which is which? The same applies to the rest of the specification.
 - iii. P. 37, l. 2, it appears that “1753” should read -- 1704 --. In l. 4, it appears that “1705” should read -- 1752 --. In l. 17, it appears “FIG. 17” should read -- FIG. 15 -- since Fig. 15 actually shows these features.

Appropriate correction is required.

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Drawings

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: “600” (e.g., p. 28, l. 22); “1200” (p. 30, l. 11); “708” (p. 34, l. 26); “917” (p. 35, l. 26); “205” (p. 36, l. 1); “1050” (p. 36, l. 14). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: “207” and “108” (both in Fig. 1); “131”, “1500” and “3700” (all in Fig. 2); “2900” (Fig. 3); “1774” (Fig. 14). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “2300” has been used to designate both side and rear jogger members and what appears to be the same feature pointed at by reference “2900” in Fig. 3 - compare the rear side jogger members 2300 with that shown in Fig. 21; “400” has been used to designate both a rail connector element (p. 33, ll. 28-29) and what appears to be a base in Fig. 7; “402” has been used to designate both an upper leg block (p. 33, l. 30) and what appears to be a part of grid orientation bracket 3300 in Fig. 2; “403” has been used to designate both a depending arm block (p. 33, l. 30) and what appears to be another grid part in Fig. 2; “404” has been used to designate a grid (p. 29, l. 10), a through hole (p. 34, l. 1), and a bolt (p. 34, l. 9); “405” has been used to designate both

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grid rails (p. 29, l. 12) and a front face (p. 34, ll. 1-2); "700" has been used to designate both rail clamps (e.g., p. 28, l. 4) and center line orientation cylinders (e.g., p. 34, ll. 17-28); "905" has been used to designate both a larger countersunk slot (p. 35, l. 15) and one side edge (p. 35, l. 16); "1752" has been used to designate both a threaded hole (p. 36, l. 21) and an outer face (p. 36, l. 29); "2311" has been used to designate both the bolt extending through to slot 2307 (p. 38, ll. 15-16) and the bolt through aperture 2316 (p. 38, ll. 18-19); "2323" has been used to designate both an inner wall (p. 38, l. 24) and an inner face (p. 38, l. 25). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

10. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "208" (p. 28, l. 25) and "108" (p. 30, l. 4) have both been used to designate a bolt; "3300" (p. 29, l. 7) and "1200" (p. 30, l. 11) have both been used to designate grid orientation brackets; "3400" (p. 29, l. 29) and "3600" (p. 30, l. 14) have both been used to designate auxiliary support members; "105" (p. 27, l. 22) and "907" (p. 35, ll. 19-20) have both been used to designate a cylindrical center line rod; "904" (p. 35, l. 20) and "907" (p. 35, l. 16) have both been used to designate a cradle; "210" (p. 28, l. 6) and "205" (p. 36, l. 1) have both been used to designate a dovetail groove; "1050" (p. 36, l. 14) and "1750" (p. 36, l. 20) have both been used to designate a lower L-shaped component; "1774" (Fig. 14) and "1754" (Fig. 15) have both been used to designate a slit; "2303" (Fig. 21) and "2304" (Fig. 23) are both on the same face. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid

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abandonment of the application. The objection to the drawings will not be held in abeyance.

11. The drawings are replete with errors and the above are ONLY examples.

Applicant is advised to thoroughly review and correct these errors to insure that both the specification and the drawings are in correspondence.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 1-5, 14-18, 24-26, 32-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite language and lack of antecedent basis for claimed features. The following are some noted examples.

- i. The following phrases lack clear antecedent basis: (claim 1) "the interior perimeter"; (claim 5) "its leading edge"; (claim 14) "its lower edge" and "said lower end of said guiding member"; (claim 15) "said extent of movement"; (claim 17) "said slidable captive cap", "its lower edge", and "said lower end of said guiding member"; (claim 24) "its lower edge" and "said lower end of said guiding member"; (claim 25) "said extent of movement"; (claim 32) "its leading edge"; (claim 33) "said slidable captive cap".

- ii. Claim 1 is vague and indefinite in that it is not clear what the claim encompasses. The claim is directed toward a jogger member, yet the claim includes details that are not part of a jogger member, e.g. framework of connecting rails. Moreover, what is the difference between the claimed “jogger” and the “plurality of joggers”? Substantially the same applies to claims 2-16.
- iii. In claim 3, the phrase “by means of...” is vague and indefinite in that it is not clear whether protection under 35 USC § 112, sixth paragraph is being sought. The same applies to all similar phraseology in the claims.
- iv. In claim 4, the term “it” is vague and indefinite. What is “it” referring to? The same applies to all similar terminology in the claims including the term “its”.
- v. In claim 16, ll. 4-8, the phrase said longitudinally-extending slot” is vague and indefinite in that it is not clear which “slot” the phrase is referring to, i.e. the slot of the guiding finger or the slot of the guiding member. Substantially the same applies to claim 26.

Conclusion

14. Due to the numerous informalities and the indefiniteness of the claims, a pertinent search cannot be made at this time. Applicant is advised to correct the above noted problems. The next Office Action WILL NOT be made final.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (703)

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308-0501. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (703) 308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

cg

October 1, 2002



Charles Goodman
Primary Examiner
AU 3724

CHARLES GOODMAN
PRIMARY EXAMINER